

Remarks

With respect to the rejection under 35 U.S.C. §102(b) by Exner et al. ("Exner") the independent claim (Claim 30) now recites that relative movement of the material application device and the support occurs during the action of the solidification device. Also, solidification does not herein mean a cooling-down of the material after it has been heated in the presently claimed invention.

As previously shown, and in contrast to the claimed invention, Exner moves the construction spaces and activates the laser in separate steps. Exner teaches that powder is shifted from the supply containers 4a, 4b to the construction spaces 3a, 3b, when the cover plates 7a, 7b (together with the attached doctors) are moved. In a *subsequent* step, the 4th step, the "layer is processed". Here, "processing" means sintering/fusing of the powder by means of a laser (see third and fourth paragraphs on page 16).

Furthermore, Claim 30 also recites a drive that generates a relative movement and a controller for the drive and the solidification device. The drive 20 is disclosed in page 3, line 22, of the application as filed and the operation is described at least on page 3, lines 24-30 through page 4, lines 1-8. The controller is described at least on page 3, line 22. Furthermore, the term "solidification device" is e.g. mentioned on page 3, line 15, where it is mentioned that the solidification device might be a laser 21. On page 3, lines 24-30 through page 4, lines 1-8, it is mentioned that the laser solidifies the material within a solidification region 11, below which the building container 4 is moving.

Thus, it is clearly set out in the claims that there is a relative movement during the action of the solidification device and that the solidification device causes solidification of the material. This relative movement is controlled by the controller "such

that, *during the action of said solidification device* on said building material in said solidification region, *said drive is generating a relative movement of said material application device and said support with respect to each other.*"

This is not taught or suggested by Exner. In fact, Exner teaches the opposite of what is being claimed and therefore cannot anticipate the independent claim or any claim dependent therefrom.

With respect to the obviousness rejection under 35 C.F.R. §103(a) of Claims 46 and 49, Kubo does not make up the above-note deficiency of Exner. Kubo is used merely to allegedly supply variation of feed velocity and/or rotation velocity. This does not address the above-noted deficiencies of Exner. Therefore, there is no *prima facie* case of obviousness when Exner is combined with Kubo.

Similarly, Masters, which is used under 35 C.F.R. §103(a) to reject Claim 61, does not supply the deficiencies of Exner. Masters is allegedly used to supply rotational movement on a non-circular path. However, this does not address the above-noted deficiencies of Exner. Therefore, there is no *prima facie* case of obviousness when Exner is combined with Masters.

Reconsideration is requested and notification that all the non-withdrawn claims are allowable over the cited prior art is solicited.

Respectfully submitted,

**McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

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By: /Steven B. Courtright/
Steven B. Courtright
Patent Agent
Reg. No. 40,966